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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/003,133

11/15/2001

Kevin A. Simms

01-EDP-259

6019

7590

11/12/2003

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EXAMINER

ROJAS, BERNARD

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.	Applicant(s)	
10/003,133	SIMMS, KEVIN A.	
Examiner	Art Unit	
Bernard Rojas	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 14 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s): \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of claims 13-20 in Paper No. 09082003 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMillan et al. [US 6,570,269] in view of Davidson et al. [2003/0193381].

Claim 13, McMillan et al. teaches a remotely controllable transfer switch [10] with a circuit breaker housing [12], a first line terminal [14], a second line terminal [16], a load terminal [26]; a transfer arm [44] adapted to pivot between a first position in which the transfer arm is electrically connected to said first line terminal and a second position in which the transfer arm is eclectically connected to said second line terminal; a solenoid [50] having a first coil and a plunger [52] engaging the transfer arm;

McMillan et al. fails to teach a solenoid with two coils and a control circuit with three terminals.

Davidson et al. teaches using a solenoid with two coils [253, 254], a control circuit for the solenoid including a first terminal [266] adapted to receive a first external signal, a second terminal [258] adapted to receive a second external signal, and a third

terminal [270] adapted to receive a control voltage, the control circuit responsive to the first external signal to energize said first coil with the control voltage in order to move said plunger in a first direction to pivot the transfer arm to the first position thereof, the control circuit responsive to said second external signal to energize the second coil with the control voltage in order to move the plunger in a second direction to pivot said transfer arm to the second position

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the solenoid and solenoid control circuit of Davidson et al. with the remotely controllable transfer switch of McMillan et al. in order to create a transfer switch with a smaller response time to a transfer request.

Claim 15, the housing includes a pivot point; and wherein said transfer arm includes a first end [near 36], a second end [next to 26] and a pivot [44] there between, the pivot pivotally engaging the pivot point of the housing, in order to pivot said transfer arm between the first and second positions.

Claim 16, the plunger of the solenoid engages the transfer arm between the pivot and the first end.

Claim 17, the housing includes a pivot point; and wherein said transfer arm includes a first end [48], a second end [where 36 is located] and an intermediate portion therebetween, the first end having a pivot adapted for movement of the transfer arm between the first and second positions, the second end having a first contact [36] adapted for electrical connection with the first line terminal in the first position of the transfer arm and a second contact adapted for electrical connection with the second line

terminal in the second position of the transfer arm, the plunger of said solenoid moving the intermediate portion of said transfer arm.

Claim 18 the plunger of the solenoid engages the transfer arm at the intermediate portion [figure 4A].

Claim 19, it would have been an obvious matter of design choice to use a miniature circuit breaker housing instead of a standard circuit breaker housing, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

#### ***Allowable Subject Matter***

Claims 14 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

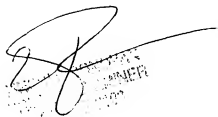
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (703) 305-3873. The examiner can normally be reached on M-F (7-4:30), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (703) 308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2832

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Br

A handwritten signature in black ink, featuring a large, stylized capital 'B' followed by a series of loops and a long horizontal stroke extending to the right. The signature is written over a faint, textured background.